

Express Mail No.: EV 230287206 US  
Date of Deposit: January 20, 2005

Attorney Docket No. 18989-012CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hutchinson et al.  
Serial No.: 09/692,294  
Filed: October 19, 2000  
For: APPARATUS FOR DEPOSITION OF ULTRASOUND ENERGY IN  
BODY TISSUE  
Examiner: William C. Jung  
Art Unit: 3737

---

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT UNDER 37 CFR §1.321

Sir:

The owner, Brigham and Women's Hospital Inc., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,135,971. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to 156 and 173 of the prior patents, as presently shorted by any terminal disclaimer, in the event that either patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under

37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 C.F.R. §1.20(d) is enclosed.

The undersigned is an attorney of record per the associate power of attorney submitted herewith.

Respectfully submitted,

  
\_\_\_\_\_  
Shane H. Hunter, Esq. (Reg. No. 41,858)  
Mintz, Levin, Cohn, Ferris,  
Glovsky and Popeo, P.C.  
One Financial Center  
Boston, MA 02111  
Telephone 617/348-1765  
Attorneys for Applicants  
**Customer Number 30623**

Date: January 20, 2005

TRA 1998277v1